

**U.S. Department of Justice**  
*United States Attorney*  
*Western District of New York*

*Further inquiries: (716) 843-5814*

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*138 Delaware Avenue*  
*Buffalo, New York 14202*

# PRESS RELEASE

April 5, 2004

**RE: UNITED STATES v. BENJAMIN NICOLETTI**

United States Attorney Michael A. Battle announced today that, after a three day trial in front of District Court Judge Richard J. Arcara, a federal court jury convicted Benjamin Nicoletti, age 63, of 783 Upper Mountain Road, Lewiston, New York, with possession of firearms by a convicted felon, in violation of Title 18, United States Code, Section 922(g), carrying a maximum penalty of five years imprisonment, a fine of \$250,000, or both.

Assistant U.S. Attorney Anthony M. Bruce, who handled the case, stated that the defendant, who had been convicted of attempted enterprise corruption in Niagara County Court in 1993, had been found in possession of firearms during October 25 and 26, 2002, visits to his home by federal probation officers, and noted that prior felons are precluded under federal law in most instances of possessing firearms.

The conviction was obtained as a part of then-ongoing investigation of Nicoletti by

the Federal Bureau of Investigation, under the direction of Special Agent in Charge Peter Ahearn, with support from the United States Office of Probation and Pretrial Services, under the direction of Chief U.S. Probation Officer Joseph Giacobbe.

Immediately upon the return of the verdict, Judge Arcara ordered Nicoletti remanded to the custody of the United States Marshal Service pending his sentencing which Judge Arcara set for July 21, 2004 at 12:30 p.m.

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